

08-19-08

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**MINUTES OF THE REGULAR MEETING OF THE
PARKS AND RECREATION COMMISSION
July 15, 2008**



COMMISSIONERS PRESENT: Lio Francisco, Julie Frazier, Ray Gamma, Steve Lee, Jerry Marsalli, Cynthia Owens, Chuck Seymour

STAFF PRESENT: George Friedenbach, Acting Director of Parks and Recreation

MATTERS FOR COUNCIL ACTION: None.

- I. CALL TO ORDER – The meeting was called to order by Chair Lio Francisco at 7:00 p.m.
- II. APPROVAL OF MINUTES OF June 17, 2008 – Commissioner Seymour moved to approve the minutes, seconded by Commissioner Owens and approved by the Commission.
- III. SUMMARY OF CITY COUNCIL ACTIONS – The Commission reviewed City Council actions pertaining to Parks and Recreation.
- IV. CORRESPONDENCE/COMMUNICATION – Commission reviewed notice of the ethics training to be held Thursday, September 18, 2008 at 5:30pm in Council Chambers.
- V. COMMISSIONER'S REPORTS – Commissioner Francisco reported on July 4th All City Picnic and Fireworks, Concerts in the Park, and the stranded seal in San Tomas Creek.
Commissioner Frazier reported July 4th All City Picnic and Fireworks, July 5th Fireworks at San Jose Giants, San Tomas Creek Trail, Concerts in the Park and Obon Festival.
Commissioner Gamma reported on Dog Park, July 4th All City Picnic and Fireworks, Habitat for Humanity Garage Sale, American Legion Breakfast, Concerts in the Park and Senior Center BBQ.
Commissioner Lee reported on his vacation to Washington D.C., July 4th and several National Park visits.
Commissioner Marsalli reported on July 4th All City Picnic and Fireworks, feedback received on the diversity theme of the All City Picnic, General Plan Revision Committee meetings, and the upcoming PAL Softball Tournament July 25, 26 and 27, and PAL Golf Tournament August 20th.
Commissioner Owens reported on July 4th All City Picnic and Fireworks.
Commissioner Seymour reported on July 4th All City Picnic and Fireworks, Dog Park and visit to University of California San Diego.
- VI. OLD BUSINESS
 - A. Donation of Park Bench – Commission reviewed and approved the proposed wording for the plaque, pending City Council approval of the donation of the bench.
 - B. Art & Wine – Commission reviewed current planning for the festival, and the tri-fold wine & beer information flyer.

- C. Program Report - Summer classes are continuing.
- D. Project Update - George Friedenbach reported on status of the Ulistac Natural Area – Phase II, Agnews Historical Cemetery Visitor Center, ISC Pools Project Design, Central Park Pond Sewer Improvement and Central Park Bridge Replacement.
- E. Park Fee Study– George Friedenbach reviewed status of fee study report.

VII. NEW BUSINESS

- A. Selection of Officers – FY 2008-09 Term – The Commission selected the following officers for FY 2008-09 Term.

Chair – Chuck Seymour
Vice Chair – Jerry Marsalli
Secretary – Steve Lee

- VIII. CONFERENCE REPORTS – Commissioner Marsalli reported on the Santa Clara University Ethics and Leadership Camp for public officials and submitted a written report including the workshop handout materials.

- IX. PUBLIC PRESENTATIONS – None.

- X. Meeting adjourned to the next regular scheduled meeting, August 19, 2008, at 7:00 p.m., in the Staff Conference Room.

Prepared by:


George Friedenbach
Acting Director of Parks and Recreation


Steve Lee
Secretary

REPORT TO CITY OF SANTA CLARA PARKS & RECREATION COMMISSION

July 15, 2008

COMMISSIONER'S ATTENDANCE @ LEADERSHIP AND ETHICS CAMP JUNE 25-26, 2008, SANTA CLARA UNIVERSITY MARKKULA CENTER

On June 25-26, 2008 I had the opportunity to attend the Ethics and Leadership Camp for Public Officials held at Santa Clara University Markkula Center for Applied Ethics. The focus of the training was on "Building Public Confidence" with a special emphasis on transparency in government and how to develop the skills needed for leading in times of change.

The workshop was built on a long history of work with city, county, and state officials. The Markkula Center for Applied Ethics offers a national program in local government ethics that brings public officials together with the Center's staff and experts in the field to analyze real world issues in public service and to develop innovative tools and programs to address them.

The presenters at the workshop were:

Judy Nadler, former Mayor of the City of Santa Clara and Senior Fellow at Santa Clara University Markkula Center for Applied Ethics.

Dr. Elizabeth Day, Professor Santa Clara University – Ethics Center Scholar

LeeAnn Pelham, Executive Director – City of Los Angeles Ethics Commission

Jerry Ceppos, Professor – University of Nevada, Reno – Ethics Center Fellow in Journalism Ethics

There were 15 Ethics Camp participants from various agencies and institutions to include the City of San Jose, the City of Santa Clara, the City of Los Angeles, the City of Los Gatos, the County of Santa Clara, and the Metropolitan Water District – So. California, the State of Nevada, and the State of Washington.

Topics of Discussion were such issues as: "whistle blowing" in the public sector, civility, conflicts of interest, open meetings, sunshine laws and transparency, campaign ethics, lobbying, gifts and bribes, favoritism, cronyism and nepotism, unavoidable ethical dilemmas of newly elected local officials, relationships between elected officials and staff, and the personal lives of public officials.

Participants were encouraged to discuss current ethics issues they are dealing with in their current position. The discussions were very open and direct and the workshop participants and faculty staff offered suggestions on how to correct the problem and improve the overall program. Two decision making models (Kennedy School of Government and the SCU Markkula Center) were taught by the staff and used in the workshop.

The workshop also discussed implementing "Ethics Policy and Procedures" for your agency if that agency currently did not have one. If you did, then how to make sure it was followed and kept updated.

I have included in this report copies of the instructional materials presented at the workshop for the members of the Parks and Recreation Commission to use.

I would recommend, if other members of the Parks and Recreation Commission are interested; for them to attend. I found the training very worthwhile, but the most important experience for me was networking with the participants in the workshop. I learned a great deal from their experience and ethical challenges they faced and how they handled them.

Refer to the attached documents for more information.

End of Report.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jerry Marsalli", with a stylized, cursive script.

Jerry Marsalli
City of Santa Clara
Parks and Recreation Commission

THE MARKKULA CENTER FOR APPLIED ETHICS

While the media and public officials are sometimes said to have different roles, in the everyday world, they have an important goal in common: giving the public information about their government. These guidelines are designed to advance that goal.

1) Create a culture of accountability.

Holding power makes some officeholders think they should not have to answer for their behavior. But wise officials support the media in reporting on issues that the public has a right to know about. Make the press your ally in helping the public understand what you are doing and why.

2) Tell the truth and tell it right away.

History is rife with examples of public officials trying to cover up wrongdoing, but from Watergate to Detroit Mayor Kwame Kirkpatrick's affair with his chief of staff, history is also rife with examples of why this is a bad approach. Public officials should familiarize themselves with Freedom of Information laws and understand what information is public, because eventually, it will come out. Failure to provide timely response to a reporter's queries is an invitation to an FOI suit, which will be costly for the government and will probably result in the media prevailing. A beleaguered official is not helped by having damaging information come out in dribs and drabs. More importantly, from an ethical point of view, it wastes the people's time and money (in the Kirkpatrick case, the city had to settle an expensive whistleblower lawsuit), and it creates an environment that encourages further wrongdoing.

3) Recognize that a public official's private life is not always private.

While there is much to decry in the sensational nature of today's media, sometimes the public does have a legitimate interest in the private affairs of a government official. There's no bright line, but here are some things to avoid:

- Don't conduct private business using city equipment or facilities. When you spend work time, paid for by the people, on sending more than 800 instant messages to one woman in a six-week period, and you do this on your state-issued cell phone (as the governor of Nevada recently did), the public has a right to know about it.
- Don't enter into romantic relationships with people who contract with the government entity for which you work. This creates obvious potential for conflicts of interest.

(Over)

ATTACHMENT 1

- Don't enter into romantic relationships with reporters who cover you. Recently, the mayor of Los Angeles' split with his wife was reported by the TV news anchor with whom he was having an affair. Can the public really expect to get objective information in such a situation?
- Don't campaign on an issue if you don't want to be held accountable for it. Your private life may be your own, but if your ads show you with your family, if you focus on family values, you cannot then be outraged when the press reports on any infidelities.
- Do not engage in a pattern and practice of private conduct that impacts the overall culture of your organization. One city employee having an affair may not be a public matter, but when city hall becomes the scene of sex in the stairwells, midnight poker, and freely available pornography, as it did in Redding, California, the environment for conducting city affairs prudently is affected, and the public has a right to know.
- Fair or no, expect that scrutiny is a part of public life, especially for officials at a high level.

4) Don't be stupid. Don't make your city look stupid.

These guidelines were developed at a session of the Markkula Center for Applied Ethics "Ethics and Leadership Camp for Public Officials," June 25, 2008, in a workshop led by Jerry Ceppos, dean of the School of Journalism at University of Nevada-Reno and former vice president for news at Knight Ridder. Working with city and state officials from around the country, he helped the group tease out best practices for dealing ethically with the press.

Building Public Confidence

Ethics and Leadership
Camp for Public Officials

June 25 and 26, 2008

Always do right.

This will gratify some
and astonish the rest.

-Mark Twain

"Americans want better performance
from their government and their
leaders. They want leaders who are
more ethical in their behavior, who
care more about the public interest
and less about their own careers..."

-Rebuilding Citizen-Government Relations for the 21st Century

Ethical Principles for Public Servants

Council for Excellence in Government

Public service is a public trust.

- The highest obligation of every individual
in government is to fulfill that trust. Each
person who undertakes the public trust
makes two paramount commitments:
 - To serve the public interest
 - To perform with integrity

Applied Ethics Center

- Not 'what to think' but 'what to think about' and 'how to think it through.'
- Ethics is a process for making good decisions and becoming a role model.
- Ethics asks us to imaginatively perceive opportunities for action...and to act.
- Ethics asks us to see and remove obstacles to doing the right thing.

Fundamental concept

Ethics is about relationships.

Ethics is about choices and how those choices affect the quality of our relationships with other people (as well as animals and the environment).

Ethics is about questions

- Ethics is about:
 - the questions we ask;
 - the questions we ignore; and,
 - especially the questions that will not go away.
- Ethics is about identifying and removing obstacles to the asking and answering of questions about . . .

- Who should I be? (What character traits should I display by habit?)
- How should I act? (How do I make the 'right' decisions about what to do?)

Key values you associate with ethical behavior

- Respect
- Honesty
- Trust
- Integrity
- Professionalism
- Accountability
- Competence
- Fairness

What happens when people behave without ethics?

- Creates suspicion
- Destroys trust
- Hurts morale
- Shatters public confidence
- Economic, political and social ramifications
- Other outcomes?

Unavoidable ethical dilemmas occur around issues like these:

- Conflicts of interest
- Gifts
- Whistleblowers
- Private lives of public employees
- The "whole truth"
- Confidentiality
- Conflicts with personal beliefs
- Perceptions of fairness

The challenge:

- Create a strong culture of ethics
- Communicate that to employees
- Reinforce through best practices
- Acknowledge and reward ethical behavior

Case studies

Learning through case studies allows candid discussions outside the personal, political, and emotional atmosphere.

Remember: Ethical Leaders . . .

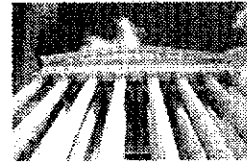
- are clear about values;
- advance the good of their constituencies and their profession through careful decision making;
- take the time to identify obstacles to doing the right thing and to develop the necessary life skills to avoid them when possible.

Leading through Change

Dr. Elizabeth Day
Senior Fellow Judy Nadler
Ethics and Leadership Camp for Public Officials
June 26, 2008

Times of Tremendous Change

- Pending drought
- High oil prices
- Skyrocketing health care costs
- Home foreclosures
- Upcoming election



Times of High Pressure

- City of Vallejo bankrupt
- Mayor of Detroit indicted
- Water District GM forced to retire
- Governor of New York resigns in shame



Architecture of Leadership

- Reflect on our purpose
- Recapture our passion
- Refine our intentions
- Renew our commitment

Reflecting on our Purpose

"We believe that every human being has something unique to offer, and that a larger sense of purpose comes from using that gift to help your organizations, families, or communities thrive..."



Recapturing our Passions

...the gift might be your knowledge, your experience, your values, your presence, your heart, or your wisdom...



...Perhaps it's simply your basic **curiosity** and your willingness to raise unsettling questions.



..So first and foremost, this is about how to survive and thrive amidst the dangers of leadership. Leadership is about putting yourself and your ideas **on the line**, responding effectively to the risks, and living to celebrate the meaning of your efforts."

-Ron Hurfetz and Marty Linsky
Leadership on the Line



Unpacking our Purpose and Passions

- ✱ With a partner, share your response to the question:

When I am at the end of my life, I want to say that...

(4 minutes)
- ✱ After the chime, debrief what key *values* and *passions* were represented in your story. Record your findings. (4 minutes)
- ✱ Switch speakers and repeat process

Values + Passions = Purpose

- ✱ Having a purpose is the single most significant predictor of life fulfillment
- ✱ Critical factor in emotional intelligence, which is said to be a better predictor of success than technical or general knowledge
- ✱ Motivation is driven by emotion. We experience emotion through our passions
- ✱ Therefore, tapping into our passions is essential in supporting our purpose

Purposeful people...

- ✱ See their part in the scheme of things
- ✱ Consider challenge as an opportunity for growth
- ✱ Often choose a path of service

» Richard Leider



Purpose drives commitment

- ✱ Working with your partner, create a **commitment statement** that reflects your purpose, as informed by your values and passions.
- ✱ Values=compassion, honesty, respect, fairness
- ✱ Passions=serving the public, ethics, making the world a better place
- ✱ Commitment statement= *I am a commitment to bringing ethics to public officials for the sake of creating a more peaceful world.*

"Purpose is rarely handed to us. We get it by choosing to have it. We get it by embodying it. A sense of purpose comes from within. Only we know if we have it. Only we know if there is something in our life that makes us want to **take a stand**."

-Richard Leider
For the Sake of What?

Stand and Deliver: What you need to know

- » 93% take-away non-verbal
 - 55% body language
 - 38% voice, tone and tempo
 - 7% words
- » When you share your passions people notice:
 - Tone of voice
 - Eye contact
 - Use of hands
 - Smile
 - Leaning forward
 - Focused
 - Ease
 - Thoughtfulness
- » Physiologically impossible to be nervous when you breathe from your belly
- » Conditioned tendencies:
 - Fight back
 - Avoid
 - Acquiesce
- » Vertical alignment aids the nervous system and the brain
 - Sitting: find your sit bones, stay relaxed and upright

Stand and Deliver

- » Our commitments often become more real when we articulate them aloud in front of others
- » Keeping somatic awareness in mind, practice delivering your commitment statement.
- » Kept in mind your larger purpose, intention and commitment
 - Whole group
- » Say it several times until it feels authentic.
- » Individually *Stand and Deliver*



"The **leadership path** of self-cultivation is concerned with developing leaders who embody the ethics of individual responsibility, social commitment and spiritual legacy."

Richard Strozzi-Heckler
The Leadership Dojo

Barriers to leadership

- » Fear of rejection
- » Fear of being in the minority
- » Going against public sentiment
- » Lack of information
- » Lack of confidence
- » Falling prey to our conditioned tendencies
- » Conflating authority with leadership



Authority functions:

- » Provides clear direction
- » Protection from threat
- » Control conflict
- » Maintain norms
- » Orient people around their place, role and job

Sources of confusion about leadership

- ❖ People equate authority with leadership
 - Expect leaders to have all the answers
 - Treat adaptive challenges with technical solutions
 - Adaptive challenges stem from biology
 - Organism has to survive/thrive in a new or changing environment
 - Major employer moves from the city
 - ❖ Technical: HQ and factory now vacant and not generating tax revenues
 - ❖ Adaptive: Employees are without a job and have to adapt to a changed environment; community has to adapt to that unstable staff
 - ❖ If Cindy just is generic?

Leadership is not always spotted

- ❖ Can be exercised by people without authority, people who are mobilizing others to change

- Correcting signatures on a petition for affordable housing
- Community volunteers
- Cindy Sheehan's anti-war efforts



Notion that leaders are born not made

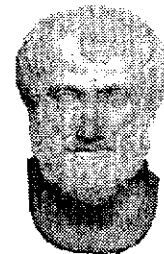
- ❖ We all lead in different ways
 - Democracy's adaptive success demands everyday leadership
 - Lots of unknowns:
 - natural disasters
 - high tech bust
 - political shifts



The Leadership Challenge

"We are what we repeatedly do. Excellence, then, is not an act, but a habit."

-Aristotle




Analyzing a Leadership Case

- ❖ Using the Adaptive Leadership Process
- ❖ 40 minutes per person
- ❖ Group debrief



To lead is to live dangerously...

...because when leadership counts, when you lead people through difficult change, you challenge what people hold dear--their daily habits, tools, loyalties, and ways of thinking--with nothing more to offer perhaps than a possibility.



...leadership often means exceeding the authority you are given to tackle the challenge at hand. People push back when you disturb the personal and institutional equilibrium they know.

In sum,

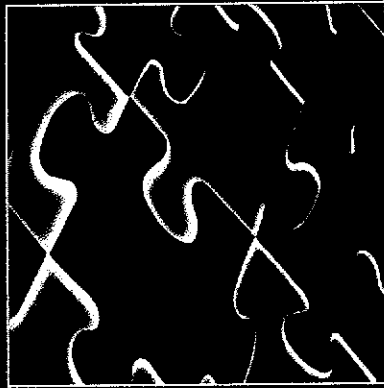
...Leadership is worth the risk because the goals extend beyond material gain or personal advancement. By making the lives of people around you better, leadership provides meaning in life. It creates purpose.

-Ron Heifetz and Marty Linsky
Leadership On the Line

Many thanks.

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Building Public Confidence:



**Leading With
Transparency
and
Accountability**

LeeAnn M. Pelham, Executive Director, Los Angeles City Ethics Commission

Ethics and Leadership Camp for Public Officials
Markkula Center for Applied Ethics - Santa Clara University
June 25 and 26, 2008

ATTACHMENT 4

Any process to describe a social process as complex as leadership inevitably makes it seem more orderly than it is. Leadership is not tidy. Decisions are made and then revised or reversed. Misunderstandings are frequent, inconsistency inevitable. Achieving a goal may simply make the next goal more urgent: inside every solution are the seeds of new problems. And ...most of the



time things are out of hand. No leader enjoys that reality, but every leader knows it.

John W. Gardner

Living, Leading and the American Dream

Promoting Public Trust



Transparency

Transparency
Openness
Impartiality
Accountability
Professionalism



Ethics

"Revolving door" lobbying
Gifts to decision makers
Privately financed travel
Financial & apparent conflicts
Recusal disclosures

A Case of CompLAXity

Los Angeles Times

\$2-billion face-lift for LAX airport set to begin

Improvements are necessary but passengers should know that they won't always be happy with the experience during construction, airport chief says.

By Jennifer Oldham

December 7, 2007

Focus on contracts at Los Angeles International Airport intensifies

Janice Hahn asks the City Council to review and take jurisdiction of one. Controller Laura Chick's office will probe another.

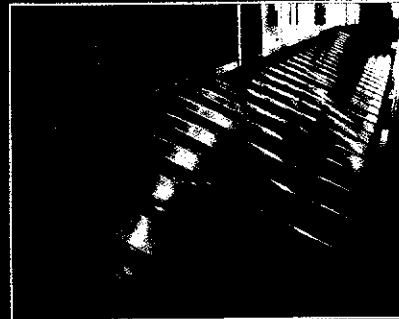
By Dan Weikel

May 1, 2008

Councilwoman to question airport director over the awarding of contracts at LAX

By Dan Weikel and Jennifer Oldham

April 29, 2008



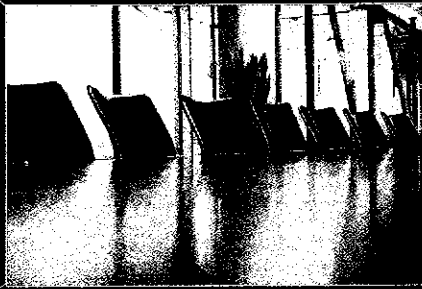
Transparency

To Whom

Toward
What End

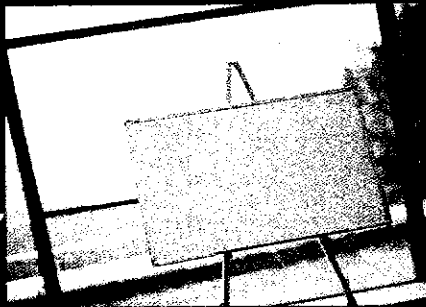
About What

Are There
Limits?



Accountability

Regular Public
Financial
Disclosure



Close the
Ethics Gaps

Ethics "Process"
Checks

Assess Ethics
"Hotspots"

Your Leadership Role





Markkula Center
for Applied Ethics

A Framework for Ethical Decision Making

RECOGNIZE AN ETHICAL ISSUE

1. Is there something wrong personally, interpersonally, or socially? Is there a conflict that could be damaging to people or the community?
2. Does the issue go deeper than legal or institutional concerns? What does it do to people who have dignity, rights, and hopes for a better life together?

GET THE FACTS

3. What are the relevant facts of the case? What facts are unknown?
4. What individual and groups have an important stake in the outcome? Do some have a greater stake because they have a special need or because we have special obligations to them?
5. What are the options for acting? Have all the relevant persons and groups been consulted? If you showed your list of options to someone you respect, what would that person say?

EVALUATE ALTERNATIVE ACTIONS FROM VARIOUS ETHICAL PERSPECTIVES

6. Which option will produce the most good and do them the least harm?
7. Which option is fair to all the stakeholders? Even if not everyone gets all they want, will everyone's rights and dignity still be respected?
8. Which option would help all participate more fully in the life we share as a family, community, society?
9. Would you want to become the sort of person who acts this way (e.g., a person of courage or compassion)?

MAKE A DECISION

10. Considering these perspectives, which of the options is the right thing to do?
11. If you told someone you respect why you chose this option, what would that person say?

ACT, THEN REFLECT ON THE DECISION LATER

12. How did it turn out for all concerned? If you have to do it over again, what would you do differently?

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ATTACHMENT 5



**ANALYZING A LEADERSHIP CASE:
THOUGHTS ON PEER CASE CONSULTATIONS**

Used with permission

I. Process

- (1) Appoint a facilitator whose main responsibilities are to manage the time boundaries and to keep the case presenter from controlling the conversation.
- (2) Case presenter presents facts: 5 minutes
- (3) Facilitator feeds fact questions to presenter: 10 minutes
- (4) Presenter watches and listens while group does diagnostic brainstorming: 20 minutes
- (5) Presenter watches and listens while group does action steps brainstorming: 10 minutes
- (6) Presenter reflects on what she/he heard: 5 minutes

II. Possible Questions

Fact questions:

- (1) Who are the major players?
- (2) What are their formal relationships? Informal alliances?
- (3) Where is the senior authority on the issue?
- (4) What has the presenter done so far to work the problem?
- (5) What has the presenter decided not to do?
- (6) What would success look like to the presenter?

Diagnostic questions:

- (1) What are the case presenter's stakes?
- (2) What issues or values does the presenter represent to the group?
- (3) What are the underlying or hidden issues?
- (4) What is the adaptive challenge for the group? For the presenter?
- (5) What are the value choices each has to make?
- (6) How does the situation look to the other key players? What is the story they are telling themselves?
- (7) What options are off the table for the presenter and why?
- (8) What has the presenter contributed to the problem? What is her/his piece of the mess?
- (9) What possible interpretations has the presenter been understandably unwilling to consider?
- (10) What would success look like to the players other than the presenter?

III. Traps

- (1) Presenter will dominate the conversation, defending and explaining.
- (2) Consultants will jump too quickly to solutions, especially technical solutions.
- (3) Consultants will be afraid to tell the presenter bad news.
- (4) Presenter will hide real stakes and anxieties.
- (5) Consultants will offer insight from their own experience or expertise, rather than see the problem through the eyes of the presenter and other people in the case.
- (6) Everyone will wallow around in the facts.

Developed by Marty Linsky, Chair of the Executive Programs at the John F. Kennedy School of Government at Harvard.
Created for "Leadership for the 21st Century," and "The Art and Practice of Leadership Development."
With thanks to the Harvard University's John F. Kennedy School of Government.